


In re Application of
David Sidransky
U.S. Serial No.: 09/420,433
Filed: October 12, 1999
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PATENT
Attorney Docket No.: JHU1180-1

B. In the Claims

Please amend the claims as follows:

4B1 sub c1

1. (Amended) A method for detecting the presence of a mammalian mutant target nucleic acid which contributes to the etiology of a neoplasm, in a tissue specimen, wherein the specimen is external to a primary neoplasm and the specimen does not exhibit morphological characteristics indicative of neoplastic pathology, and the mutant target nucleic acid is present in the primary neoplasm and the specimen, the specimen being selected from the group consisting of a tumor margin[,] and a regional lymph node, the method comprising extracting [the] nucleic acid present in the specimen and detecting the presence of the mutant target nucleic acid.

2. (Amended) The method of claim 1, [wherein] further comprising amplifying the nucleic acid present in the specimen to produce an amplified nucleic acid [is amplified] before detecting the presence of the mutant target nucleic acid in the amplified nucleic acid.

3. (Amended) The method of claim 2, wherein [the amplification] said amplifying is by means of oligonucleotides that hybridize to [the] flanking regions of the mutant target nucleic acid.

4. (Amended) The method of claim 1, wherein the mutant target nucleic acid contains a mutation[,] selected from the group consisting of a restriction fragment length polymorphism, a nucleic acid deletion, [or] and a nucleic acid substitution[,] as compared with a corresponding wild-type nucleic acid in the specimen[.]

5. (Amended) The method of claim 1, wherein the mutant target nucleic acid is selected from the group consisting of an oncogene and a tumor suppressor gene.

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6. (Amended) The method of claim 1 [5], wherein the mutant target nucleic acid is a tumor suppressor gene [is] selected from the group consisting of APC, DCC, NF1, NF2, Rb, RET, VHL, WT-1 and p53.

7. (Amended) The method of claim 1, wherein the neoplasm is a neoplasm of the head.

8. (Amended) The method of claim 1, wherein the neoplasm is a neoplasm of the neck.

9. (Amended) The method of claim 1, wherein the neoplasm is a benign neoplasm.

10. (Amended) The method of claim 1, wherein the neoplasm is a malignant neoplasm.

B1
Sub
C2
11. (Amended) The method of claim 2, [wherein] further comprising cloning the amplified nucleic acid [is cloned] before detecting the presence of the mutant target nucleic acid in the amplified nucleic acid.

12. (Amended) A method for detecting metastases in a subject having an excised tumor, the method comprising:

a) isolating tissue from a surgical margin or lymph node adjacent to [said] the excised tumor;

b) applying to said tissue an oligonucleotide that [preferentially] specifically hybridizes to a neoplastic nucleic acid having a mutant nucleotide sequence; and

c) detecting the presence of said neoplastic nucleic acid, wherein the presence of said neoplastic nucleic acid indicates metastases.

YB2
17. (Amended) The method according to claim 12 wherein said neoplastic nucleic acid is an oncogene.